

09/770,706

MS158524.1

REMARKS

Claims 1-21 are currently pending in the subject application and are currently under consideration. A clean version of these claims is found at pages 2-4. Claims 1, and 6-10 have been amended herein to address minor informalities, and such amendments are not intended to narrow the scope of these claims. New claims 23-29 have been added – it is believed these claims do not raise any new issues requiring search or undue effort by the Examiner. Applicant's representative acknowledges with appreciation the Examiner indicating claims 6-7, 10, 13-14, and 20 as being allowable if recast in independent form to include all limitations of the base claim and any intervening claims. It is believed such amendments are not necessary in view of the below-noted deficiencies of the cited references *vis a vis* the claimed invention. However, applicant's representative reserves the option to amend such claims into independent form at a later date, if necessary. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 1, 5, 8-9, 11-12, 18-19, and 21 Under 35 U.S.C. §102(b)**

Claims 1, 5, 8-9, 11-12, 18-19, and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tada (US 5,736,991). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Tada does not teach or suggest the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

As recited in independent claim 1 (and similarly in independent claim 11), the subject invention relates to rendering an image of an object having a curved surface, comprising *a determiner that determines M number of attributes relating to rendering the image*, M being an integer, *a first processor that pre-computes N number of attributes relating to rendering the image*, N being an integer less than or equal to M, and the N number of attributes being pre-computable, and a second processor that computes the M number of attributes.

09/770,706

MS158524.1

① Tada does not teach or suggest a determiner that determines M number of attributes relating to rendering the image. The subject invention determines which attributes relating to rendering an image can be employed in rendering an image and thus is advantageous over conventional techniques since spheres can be rendered more quickly and accurately. - different - advantage

Furthermore, Tada does not teach or suggest a first processor that pre-computes N number of attributes relating to rendering the image as recited in claim 1 (and similarly in claim 11). Rather, Tada discloses an animation editing apparatus adapted to make an animation based on shape data related to a shape of an object. (col. 3, ln. 1). Tada teaches an attribute editing means for automatically determining an attribute of a deformed object based on deformed shape data received from the deforming process means. (col. 3, ln. 10). In contrast, applicant's claimed invention pre-computes attributes relating to rendering an image, thereby increasing speed, smoothness and accuracy of sphere rendering. ②

In view of at least the above, it is readily apparent that Tada does not anticipate or make obvious the subject invention as recited in independent claims 1 and 11 (and claims 5, 8-9, 12, 18-19, and 21 which depend there from). This rejection should be withdrawn.

## II. Rejection of Claims 2 and 15 Under 35 U.S.C. §103(a)

Claims 2 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tada. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Tada does not teach or suggest every limitation set forth in the subject claims.

Claims 2 and 15 depend directly from independent claims 1 and 11, which are believed allowable for the aforementioned reasons. Therefore, applicant's invention as recited in the subject claims is not obvious over Tada. Accordingly, withdrawal of this rejection is respectfully requested.

## III. Rejection of Claims 3-4 and 16-17 Under 35 U.S.C. §103(a)

Claims 3-4 and 16-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tada in view of Takaizawa *et al.* (US 5,572,635). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Takaizawa *et al.* does not make up for the aforementioned deficiencies of Tada with respect to independent claims 1 and 11 (which

09/770,706

MS158524.1

claims 3-4 and 16-17 directly depend from). In particular, Takaizawa *et al.* does not teach or suggest *a determiner that determine M number of attributes relating to rendering the image or a first processor that pre-computes N number of attributes relating to rendering the image.* Therefore, the subject invention as recited in claims 3-4 and 16-17 is not obvious over the combination of Tada and Takaizawa *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

#### IV. New Claims 23-29

The subject newly added claims are believed to be allowable for at least the same reasons noted above regarding claims 1-22.

#### V. Conclusion

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

OFFICIAL  
RECEIVED

AUG 08 2003

Technology Center 2600

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731